

REMARKS

This amendment responds to the office action mailed March 3, 2003. In the office action the Examiner:

- rejected claim 53 as being indefinite under 35 U.S.C. 112, second paragraph;
- rejected claims 29-32, 34-36, 39-40, 44-45, 50, and 52-56 under 35 U.S.C. 102 as anticipated by U.S. Patent No. 5,905,470, to Fujii et al.; and
- rejected claims 33, 37-38, 41-43, 46-49, and 51 under 35 U.S.C. 103 as being unpatentable over Fujii in view of U.S. Patent No. 4,389,651, to Tomasky.

After entry of this amendment, the pending claims are claims 29-56. Applicant has amended claims 29, 31-33, 36-40, 44-45, 53, and 55-56 to clarify that the antenna conductor has a polygonal generally spiraling form. However, as will be seen below, these amendments were not made to overcome the rejections of these claims over the cited prior art, but merely for clarification of the intended scope of the claims.

In response to the § 112 rejection of claim 53, that claim has been amended to correct a clerical error which incorrectly caused claim 53 to depend from canceled claim 1. Claim 53 now correctly depends from claim 29.

In response to the § 102 rejections of claims 29-32, 34-36, 39-40, 44-45, 50, and 52-56 over Fujii, applicant respectfully traverses the rejections and submits the following remarks.

Fujii does not disclose an antenna comprising a single conductor arranged in a polygonal generally spiraling form, as required by claim 29 and the other claims rejected over Fujii. The form disclosed by Fujii in FIG. 8 is polygonal, but not spiraling – at best, it may be said to be circular, but even that is a stretch, since the figure is not closed. A “polygonal spiral” is a figure having three or more straight sides that extend around a central point and have a successively reduced (or increased) distance from that central point. “Successively” here means “as you travel along the figure from a first side to a second side that is generally on the same side of the central point as the first side.” “Polygonal generally spiraling” means having generally the same configuration as a polygonal spiral. In any event, no dictionary definition of the term “spiral” would, to applicant’s knowledge, apply in any sense to a figure such as that shown in FIG. 8 of Fujii. Applicant respectfully submits that it is the burden of the Patent Office to show that FIG. 8 is “spiral,” according to at least one definition of the term that would be understood to be proper by those skilled in the art at the time the invention

was made. Fujii does not disclose a polygonal generally spiraling form, and the §102 rejection should be withdrawn.

Regarding the § 103 rejections of claims 33, 37-38, 41-43, 46-49, and 51 under 35 U.S.C. 103 as being unpatentable over Fujii in view of U.S. Patent No. 4,389,651, to Tomasky, applicant respectfully traverses the rejections and submits the following remarks.

Applicant agrees with the Patent Office that Fujii does not disclose a triangular shaped antenna element. Moreover, as explained above, Fujii does not disclose a conductor with a polygonal generally spiraling form. Neither does Tomasky. FIG. 2 of Tomasky shows three concentric triangles. Each triangle forms a closed loop. Such a figure is neither spiral nor generally spiraling. Thus, since neither discloses an antenna comprising a conductor with a polygonal generally spiraling form, the combination of Fujii and Tomasky cannot result in such an antenna.

Moreover, because the conductor shown in FIG. 2 of Tomasky is formed into a closed loop, it cannot be said that antenna feed 22 is connected to one end of the conductor with the other end open-circuited, as required, for example, by claim 33.

In light of the above amendments and remarks, applicant respectfully requests reconsideration of this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-790-6236, if a telephone call could help resolve any remaining items.

No fee is believed to be due with this Amendment. However, should any fee be due, please charge it to Pennie & Edmonds's Deposit Account 16-1150.

Date: June 3, 2003

Respectfully submitted,  
*Steven D. Underwood* (47,205)  
For Brian D. Siff  
35,679  
PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, NY 10036  
(212) 790-9090  
(Reg. No.)